

**Amendment to the Drawings:**

Seven replacement sheets containing FIGS. 1-3, 3A, 3B, 4, 4A-4D, 5A-5E and 8 are filed herewith and are formal drawings of the corresponding informal figures that were filed with the above-referenced application. Please replace the pending figures with the figures on the replacement sheets filed herewith. The replacement sheets introduce no new matter.

### **REMARKS/ARGUMENTS**

Reconsideration of this Application and entry of this Amendment is respectfully requested. Upon entry of the foregoing amendment, claims 1, 3-18, 20 and 21 are pending in the application, with 1, 7, 13, 20 and 21 being the independent claims. Claims 1, 3, 4, 7, 13 and 20 are amended. Claims 2 and 19 are canceled without disclaimer of or prejudice to the subject matter thereof. New claim 21 is added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

#### ***Allowable Subject Matter***

Applicant acknowledges the Examiner's allowance of claims 7-18, as well as his objection to claims 2 and 3 as being dependent upon a rejected base claim but allowable if rewritten in independent form. Accordingly, Applicant has rewritten claim 2 as independent claim 21 and made claim 3 dependent there from, which places these claims in condition for allowance. Independent claims 7 and 13 have been amended to clarify the structure thereof. However, Applicants assert that claims 7 and 13 are still in condition for allowance.

#### ***Rejections Under 35 U.S.C. §102(b)***

Claims 1, 4-6, 19 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,885,628 to Swenson *et al.* The Examiner states that FIG. 7 of the Swenson patent discloses an injection molding assembly having "a body portion 24, a tip portion 21 having at least one planar surface and a centrally located melt bore 18 extending through at least a portion of said body." Office Action, p. 2.

With reference to the Examiner's rejection of independent claim 1, claim 1 has been amended to recite that the nozzle tip has a cylindrical body portion with a tapered tip portion that extends there from, wherein the tapered tip portion includes at least one planar outer surface area along its length. In the injection molding nozzle disclosed in the Swenson patent, nozzle piece

21 includes an inner piece or a nozzle tip 44 and an outer piece or tip retainer 46. *See* Swenson, col. 4, lines 18-21; FIG. 2. With reference to FIG. 7, inner piece 44 does not include a cylindrical body portion with a tapered tip portion that extends there from, wherein the tapered tip portion includes at least one planar surface area along its length, as claimed. Instead, inner piece 44 includes cylindrical surfaces about portions 44a, 44b, and 44d with shoulder portions 44c and 44e therebetween, and a tapered, conical surface at portion 44g. *See* Swenson, FIG. 7. As such, independent claim 1 is not anticipated by and is patentable over the Swenson patent. Claims 4-6 depend from and add further features to independent claim 1 and are patentable over the Swenson patent for this reason alone. While it is not necessary to address the Examiner's rejection of the dependent claims at this time, Applicant reserves the right to support their patentability, when necessary.

With reference to the Examiner's rejection of independent claims 19 and 20, independent claim 19 has been canceled without disclaimer of or prejudice to the subject matter thereof. Claim 20, as previously presented, includes the limitation that the nozzle tip portion has a polygonal cross section. The Swenson patent does not disclose a tip portion having a polygonal cross section. A common definition of 'polygon' is "a closed plane figure bounded by straight sides," with the adjective 'polygonal' being defined as "having many sides or relating to a surface marked by polygons." Each of the many portions of inner piece 44 of the Swenson nozzle tip, *i.e.*, items 44a-44g, appears to have a circular cross-section. *See* Swenson patent FIG. 7. As such, independent claim 20 is not anticipated by and is patentable over the Swenson patent.

#### ***Petition for Acceptance of Color Drawings and Filing of Replacement Sheets***

Applicant filed a Petition for Acceptance of Color Drawings, particularly FIGS. 6 and 7, upon filing same with the present application. To date, Applicant has not received a decision on that petition. Applicant requests information on the status of that decision be included with the Examiner's response to the present Amendment and Reply.

Applicant files herewith seven replacement sheets containing formal drawings of FIGS. 1-3, 3A, 3B, 4, 4A-4D, 5A-5E and 8 to replace the corresponding informal drawings filed with the above-referenced application.

***Power of Attorney and Statement Under 37 CFR 3.73(b)***

Applicant files herewith a Power of Attorney revoking all previous power of attorney granted in this case, as well as a Statement Under 37 CFR 3.73(b) for entry in this case.

**CONCLUSION**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

MEDLER FERRO PLLC

/Teresa U. Melder/

Teresa U. Medler  
Attorney for Applicant  
Registration No. 44,933

Date: October 6, 2006

8607 Rockdale Lane  
Springfield, VA  
(703) 992-0895